

SENATE BILL No. 379

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-6-7.7-4.

Synopsis: Railroad crossings. Requires the Indiana department of transportation to install automatic signals at a railroad crossing that is the site of at least two fatal accidents. Requires the Indiana department of transportation to complete preparatory engineering work within six months. Requires the railroad involved with the grade crossing to install the signals within twelve months. Requires the railroad to maintain the signals. Provides that the funds to pay for the signals must come first from federal funds dedicated to railroad purposes and then from state highway funds that may be used for railroads.

Effective: July 1, 1998.

Hume, L., Landske

January 9, 1998, read first time and referred to Committee on Roads and Transportation.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 379



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-6-7.7-4, AS AMENDED BY P.L.87-1997,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 4. (a) The Indiana department of transportation,
4 whenever it orders the construction, installation, replacement,
5 relocation, modernization, or improvement of automatic train-activated
6 warning signals, may prescribe the division of the costs of the
7 equipment, the installation of the equipment, the construction, and the
8 operation and maintenance of the equipment between the railroad and
9 the public. **Except as provided in subsection (i)**, the share of the costs
10 allocated to the public shall be paid with funds appropriated to the
11 department for such purpose. In allotting the costs, IC 8-23-5-2 applies
12 except as provided in subsections (b) through (c) **and subsection (i)**.

13 (b) Whenever a grade crossing not protected by automatic warning
14 signals is ordered so protected, the department shall prescribe the
15 division of the cost of the equipment, its installation, its operation and
16 maintenance, and its construction between the railroad involved and
17 the public, giving due regard to the net benefits received by the parties,

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1 and the causes creating the need for signals at the crossing.

2 (c) **Except as provided in subsection (h)**, the physical work of
 3 constructing, installing, replacing, relocating, modernizing, or
 4 improving, and thereafter operating and maintaining automatic warning
 5 signals under order of the department shall be performed by the
 6 railroad involved. All orders of the department relating to the signals
 7 shall provide for allocation among the parties involved for the
 8 extraordinary costs of signal repair or replacement if they are damaged
 9 or destroyed by accident or external causes.

10 (d) When the department orders the railroad to proceed with the
 11 construction, installation, relocation, modernization, or replacement of
 12 automatic signals at a grade crossing **under this subsection or**
 13 **subsection (h)**, the department shall order the railroad involved to
 14 complete the construction, installation, relocation, modernization, or
 15 replacement of signals not later than twelve (12) months after the date
 16 of the order.

17 (e) A railroad may request the department for additional time to
 18 complete the construction, installation, relocation, modernization, or
 19 replacement of signals specified in the department's order under
 20 subsection (d) **or (h)**. The railroad shall submit the request for
 21 additional time in writing to the department. The request shall
 22 specifically set forth the basis for the railroad's need for additional time
 23 to complete the work. The department's decision to grant or deny a
 24 request for additional time is not subject to review under IC 4-21.5.

25 (f) If the railroad fails to complete the construction, installation,
 26 relocation, modernization, or replacement of signals by the date
 27 specified:

- 28 (1) in the department's order under subsection (d) **or (h)**; or
 29 (2) by the department if a request for additional time is granted by
 30 the department under subsection (e);

31 the department may assess a civil penalty against the railroad of not
 32 more than one thousand dollars (\$1000) for each day the construction,
 33 installation, relocation, modernization, or replacement of signals is late.

34 (g) All civil penalties collected under this section shall be deposited
 35 with the treasurer of state to be deposited by the treasurer of state in the
 36 railroad grade crossing fund created under IC 8-6-7.7-6.1.

37 **(h) If a railroad grade crossing is:**

38 **(1) the site of at least two (2) fatal accidents; and**

39 **(2) not equipped with automatic signals;**

40 **the department shall begin preparatory engineering work for the**
 41 **installation of automatic signals at the railroad grade crossing. The**
 42 **department shall determine the type of automatic signals**

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1 appropriate for the railroad grade crossing. The department shall
2 complete the preparatory engineering work within six (6) months
3 of the date the railroad grade crossing met the criteria of
4 subdivision (1). The department shall order the railroad involved
5 to complete the physical work of constructing, installing, replacing,
6 relocating, modernizing, or improving, and thereafter operating
7 and maintaining the automatic warning signals. All orders of the
8 department relating to the signals must provide for allocation
9 among the parties involved for the extraordinary costs of signal
10 repair or replacement if the signals are damaged or destroyed by
11 accident or external causes.

12 (i) The costs of automatic signals and the installation of the
13 signals under subsection (h) must be paid from the following funds
14 in order:

- 15 (1) First, from available federal funds dedicated for railroad
16 purposes.
17 (2) Second, from available state highway safety funds that
18 may be used for railroad purposes.

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